

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

No. CR 07-0212 WHA

v.

JOSE ISMAEL SERRANO,

**FURTHER ORDER RE
BRIEFING SCHEDULE**

Defendant.

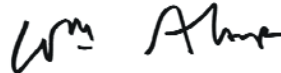
Defendant Jose Ismael Serrano was convicted of possession with intent to distribute crack cocaine in violation of 21 U.S.C. 841(a)(1), 841(b)(1)(C), and 851. He was sentenced to 204 months incarceration. Defendant, who was represented at trial and on direct appeal by the federal public defender, moved *pro se* for habeas relief pursuant to 18 U.S.C. 2255 alleging that he was denied effective assistance of counsel. Defendant now moves *pro se* to reduce his sentence pursuant to 18 U.S.C. 3582(c)(2) on the basis of new sentencing guidelines for crack cocaine offenses. The government opposes defendant's motion on the grounds that he was sentenced pursuant to career offender guidelines and not the drug weight guidelines.

Defendant's motion was referred to the probation office and to the office of the federal public defender for recommendations. His previous attorney, Assistant Federal Public Defender Daniel Blank, has responded that it would be inappropriate to comment because defendant previously argued that Attorney Blank rendered constitutionally ineffective counsel.

1 This order holds that the interests of justice require that counsel be appointed to
2 represent defendant in his Section 3582(c)(2) motion. The office of the federal public defender
3 shall identify private counsel from the Criminal Justice Act panel who could accept this
4 appointment. Upon appointment, defense counsel shall respond to the government's opposition
5 to defendant's Section 3582(c)(2) motion within **30 DAYS**.

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7 **IT IS SO ORDERED.**

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9 Dated: April 14, 2010.



10 WILLIAM ALSUP
11 UNITED STATES DISTRICT JUDGE
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